

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>CARRIE WARREN, LEE TAYLOR,</b>	)	
<b>SHEILA RUSSELL, ROBERT TAYLOR,</b>	)	
<b>LANEETA ROBERTS, VELMA</b>	)	
<b>EASTERLING, SYLVIA ADAMS,</b>	)	
<b>FRANKLIN McMILLON, KITTY</b>	)	
<b>ARCHIE-WILLIAMS, ROY</b>	)	
<b>HIGHTOWER, GAIL HOWARD,</b>	)	<b>Civil Action No.:</b>
<b>CHARLES WILSON, MORGAN</b>	)	<b>2:07-cv-449-MHT</b>
<b>WILSON, LAURA JOHNSON-</b>	)	
<b>PRICE, DIANE GREEN, and DOROTHY</b>	)	
<b>CARSON,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>STATE OF ALABAMA, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

## PARTIES' PROPOSAL FOR CONSOLIDATION AND SEVERANCE OF CRUM PLAINTIFFS IN INTERVENTION

The Court has recently granted the motions to intervene of approximately 32 individuals in the *Crum* litigation. In the orders granting the motions to intervene, the Court also ordered the clerk to set up a separate lawsuit as to each of the motions to intervene. Those motions to intervene sometimes contained multiple plaintiffs and claims against multiple state agencies.

The parties have conferred and agree that for discovery purposes **only**, the claims of plaintiffs involving the same state agencies should be consolidated into single lawsuits and that lawsuits which involve multiple state agencies should be severed into separate lawsuits. The parties do not agree as to the how these cases should be treated for trial purposes and all parties reserve the right to move to further consolidate or sever the cases as circumstances dictate.

Defendants specifically believe that these plaintiffs' claims do not share a sufficient identity of interests because the majority of the facts and theories of recovery are distinctly different, will involve different witnesses, cover different time periods, different decision makers, and the possibility of confusion and prejudice to Defendants outweighs any benefit of trying the cases together. In fact, consolidating these cases for trial will greatly lengthen the process.

Plaintiffs' dispute these contentions concerning the advisability of trying the claims together and assert that judicial economy would be served by trying claims against common agencies together, but will reserve argument on trial procedure until such time as instructed by the Court to brief these issues.

This pleading is not intended as a position on class certification issues, either in the individual lawsuits or in the *Crum* litigation.

As to the sixteen plaintiffs currently in this case, the parties propose that the Court enter orders to effectuate the following for discovery purposes only:

PLAINTIFF	STATE AGENCY <sup>1</sup>	ACTION REQUESTED
Carrie Warren	Dept of Public Health	Sever from this lawsuit and consolidate with <i>Owen</i> , 2:07-cv-446-MHT
Lee Taylor	Dept of Public Health	Sever from this lawsuit and consolidate with <i>Owen</i> , 2:07-cv-446-MHT
Sheila Russell	Dept of Mental Health & Mental Retardation	Sever from this lawsuit and consolidate with <i>Edwards</i> , 2:07-cv-419-MHT
Robert Taylor	Public Service Commission	No action required.
Laneeta Roberts	Public Service Commission	No action required.

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<sup>1</sup>Each plaintiff also has claims against the State Personnel Department.

Velma Easterling	Dept of Crime Victims & Comp. Div	Sever from this lawsuit and create new lawsuit
Sylvia Adams	Dept of Finance	Sever from this lawsuit and consolidate with <i>Julius</i> , 2:07- cv-464-MHT
Franklin McMillon	Dept of Revenue	Sever from this lawsuit and create new lawsuit
Kitty Archie-Williams	Dept of Revenue	Sever from this lawsuit and consolidate with new Franklin McMillon lawsuit
Roy Hightower	Dept of Corrections	Sever from this lawsuit and create new lawsuit
Gail Howard	Dept of Forensic Science	Sever from this lawsuit and create new lawsuit
Charles Wilson	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Moore</i> , 2:07- cv-448-MHT
Morgan Wilson	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Moore</i> , 2:07- cv-448-MHT
Laura Johnson-Price	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Moore</i> , 2:07- cv-448-MHT
Diane Green	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Moore</i> , 2:07- cv-448-MHT
Dorothy Carson	Dept of Human Resources	Sever from this lawsuit and consolidate with <i>Moore</i> , 2:07- cv-448-MHT

Respectfully submitted,

/s/ Russell W. Adams

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